

AMENDED IN ASSEMBLY MARCH 17, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 37

Introduced by Assembly Member Campos

December 1, 2014

An act to add Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems; Article 1.5 (commencing with Section 19905) to Chapter 11 of Part 11 of Division 1 of Title 1 of the Education Code, relating to libraries.

LEGISLATIVE COUNSEL'S DIGEST

AB 37, as amended, Campos. ~~Unmanned aircraft systems. Libraries:~~
3D printers.

Existing law generally provides for the establishment of public libraries. Existing law requires every public library that receives specified state funds and that provides public access to the Internet or to video recordings to, by a majority vote of the governing board, adopt a policy regarding access by minors to the Internet or to video recordings.

This bill would require every public library that provides public access to a 3D printer, as defined, to post a notice on or near the 3D printer that would alert users of the 3D printer of the potential liability of the user for misuse of the 3D printer, as specified. This bill would require the Department of Justice to draft and distribute this notice, as specified, and annually review and revise the notice for accuracy. By imposing additional duties upon local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.~~

~~This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies and in certain other cases, including when the use or operation of the unmanned aircraft system achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined.~~

~~The bill would require reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within one year, except as specified. The bill would generally prohibit images, footage, or data obtained through the use of an unmanned aircraft system under these provisions from being disseminated outside the collecting public agency, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property. The bill would also provide that specified surveillance restrictions on~~

electronic devices apply to the use or operation of an unmanned aircraft system by a public agency.

~~The bill would apply its provisions to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.~~

~~Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.~~

~~This bill would make certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would except from disclosure above images, footage, data, and records obtained through the use of an unmanned aircraft system, if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.~~

~~Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

1 SECTION 1. Article 1.5 (commencing with Section 19905) is
2 added to Chapter 11 of Part 11 of Division 1 of Title 1 of the
3 Education Code, to read:

4
5 Article 1.5. 3D Printer Use
6

7 19905. (a) Every public library that provides public access to
8 a 3D printer shall post a notice prepared pursuant to subdivision
9 (b) on or near the 3D printer.

10 (b) (1) The Department of Justice shall prepare and distribute
11 to a public library that provides public access to a 3D printer a
12 notice that would alert users of the 3D printer of the potential

1 liability of the user for misuse of the 3D printer. The notice shall
2 do all of the following:

3 (A) Provide citations to the applicable state and federal laws
4 that may impose civil liability or criminal penalties for misuse of
5 a 3D printer, including laws regarding copyright infringement
6 and trademark and patent protection.

7 (B) Describe the potential damages for liability and criminal
8 penalties that may apply for a violation of these laws.

9 (C) Alert users of the 3D printer that it is the responsibility of
10 the user to be aware of and abide by the laws that may apply to
11 the use of a 3D printer.

12 (2) The notice shall appear in 14-point type and not exceed two
13 8 inch by 11.5 inch pages in length.

14 (3) The Department of Justice shall annually review and revise
15 the notice to reflect updates to the applicable laws.

16 (4) For purposes of this section, a “3D printer” means a
17 machine or other device that manufactures or produces solid
18 objects by depositing layers of material, including, but not limited
19 to, plastic, pursuant to instructions that are stored and displayed
20 in an electronic format as a digital model.

21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

26 SECTION 1. ~~Section 6254.31 is added to the Government~~
27 ~~Code, to read:~~

28 ~~6254.31. (a) Notwithstanding any provision of this chapter,~~
29 ~~images, footage, or data obtained through the use of an unmanned~~
30 ~~aircraft system pursuant to Title 14 (commencing with Section~~
31 ~~14350) of Part 4 of the Penal Code, or any related record, including,~~
32 ~~but not limited to, usage logs or logs that identify any person or~~
33 ~~entity that subsequently obtains or requests records of that system,~~
34 ~~are public records subject to disclosure.~~

35 ~~(b) Notwithstanding subdivision (a), nothing in this chapter or~~
36 ~~any other law requires the disclosure of images, footage, or data~~
37 ~~obtained through the use of an unmanned aircraft system, or any~~
38 ~~related record, including, but not limited to, usage logs or logs that~~
39 ~~identify any person or entity that subsequently obtains or requests~~
40 ~~records of that system, to the extent that disclosure of the images,~~

1 footage, data, or records would endanger the safety of a person
2 involved in an investigation, or would endanger the successful
3 completion of the investigation.

4 SEC. 2. Title 14 (commencing with Section 14350) is added
5 to Part 4 of the Penal Code, to read:

6
7 TITLE 14. UNMANNED AIRCRAFT SYSTEMS
8

9 14350. (a) A public agency shall not use an unmanned aircraft
10 system, or contract for the use of an unmanned aircraft system,
11 except as provided in this title. This title shall apply to all public
12 and private entities when contracting with a public agency for the
13 use of an unmanned aircraft system.

14 (b) A law enforcement agency may use an unmanned aircraft
15 system if it has obtained a warrant based on probable cause
16 pursuant to this code.

17 (c) A law enforcement agency, without obtaining a warrant,
18 may use an unmanned aircraft system in all of the following
19 circumstances:

20 (1) In emergency situations if there is an imminent threat to life
21 or of great bodily harm, including, but not limited to, fires, hostage
22 crises, "hot pursuit" situations if reasonably necessary to prevent
23 harm to law enforcement officers or others, and search and rescue
24 operations on land or water.

25 (2) To assess the necessity of first responders in situations
26 relating to traffic accidents.

27 (3) (A) To inspect state parks and wilderness areas for illegal
28 vegetation or fires.

29 (B) For purposes of this paragraph, "wilderness areas" means
30 public lands without permanent improvements or human habitation.

31 (4) To determine the appropriate response to an imminent or
32 existing environmental emergency or disaster, including, but not
33 limited to, oils spills or chemical spills.

34 (d) A public agency other than a law enforcement agency may
35 use an unmanned aircraft system, or contract for the use of an
36 unmanned aircraft system, to achieve the core mission of the
37 agency provided that the purpose is unrelated to the gathering of
38 criminal intelligence.

39 (e) A public agency that is not primarily a law enforcement
40 agency, but that employs peace officers or performs functions

1 related to criminal investigations, may use an unmanned aircraft
2 system without obtaining a warrant to achieve the core mission of
3 the agency provided that the purpose is unrelated to the gathering
4 of criminal intelligence, and that the images, footage, or data are
5 not used for any purpose other than that for which it was collected.

6 14351. A public agency that uses an unmanned aircraft system,
7 or contracts for the use of an unmanned aircraft system, pursuant
8 to this title shall first provide reasonable notice to the public.
9 Reasonable notice shall, at a minimum, consist of a one-time
10 announcement regarding the agency's intent to deploy unmanned
11 aircraft system technology and a description of the technology's
12 capabilities.

13 14352. (a) (1) (A) Except as permitted by this title, images,
14 footage, or data obtained by a public agency, or any entity
15 contracting with a public agency, pursuant to this title shall not be
16 disseminated to a law enforcement agency unless the law
17 enforcement agency has obtained a warrant for the images, footage,
18 or data based on probable cause pursuant to this code, or the law
19 enforcement agency would not have been required to obtain a
20 warrant to collect the images, footage, or data itself, as specified
21 in Section 14350.

22 (B) A public agency that is not primarily a law enforcement
23 agency, but that employs peace officers or performs functions
24 related to criminal investigations, may disseminate images, footage,
25 or data collected pursuant to Section 14350 if the dissemination
26 is to others within that agency.

27 (2) Except as permitted by this title, images, footage, or data
28 obtained by a public agency, or any entity contracting with a public
29 agency, through the use of an unmanned aircraft system shall not
30 be disseminated outside the collecting public agency, unless one
31 of the following circumstances applies:

32 (A) Images, footage, or data obtained by a public agency through
33 the use of an unmanned aircraft system may be disseminated to
34 another public agency that is not a law enforcement agency if the
35 images, footage, or data are related to the core mission of both
36 public agencies involved in the sending or receiving of the images,
37 footage, or data.

38 (B) Images, footage, or data obtained by a public agency through
39 the use of an unmanned aircraft system may be disseminated

1 outside the collecting public agency if the images, footage, or data
2 are evidence in any claim filed or any pending litigation.

3 (C) Images, footage, or data obtained by a public agency through
4 the use of an unmanned aircraft system may be disseminated to a
5 private entity if both of the following conditions are satisfied:

6 (i) ~~The collecting public agency is not a law enforcement~~
7 ~~agency.~~

8 (ii) ~~The images, footage, or data are related to the core function~~
9 ~~of the collecting public agency.~~

10 (3) A public agency may make available to the public images,
11 footage, or data obtained by the public agency through the use of
12 an unmanned aircraft system if both of the following conditions
13 are satisfied:

14 (A) The images, footage, or data do not depict or describe any
15 individual or group of individuals, or the activities of any individual
16 or group of individuals whose identity or identities can be
17 ascertained.

18 (B) The disclosure of the images, footage, or data is required
19 to fulfill the public agency's statutory or mandatory obligations.

20 (b) Except as permitted by this title, images, footage, or data
21 obtained by a public agency through the use of an unmanned
22 aircraft system shall not be used by the public agency for any
23 purpose other than that for which it was collected.

24 (c) (1) Images, footage, or data obtained through the use of an
25 unmanned aircraft system shall be permanently destroyed within
26 one year, except that a public agency may retain the images,
27 footage, or data in all of the following circumstances:

28 (A) For training purposes. Images, footage, or data retained for
29 training purposes shall be used only for the education and
30 instruction of a public agency's employees in matters related to
31 the mission of the public agency and for no other purpose.

32 (B) For academic research or teaching purposes. Images,
33 footage, or data retained for academic research or teaching purposes
34 shall be used only for the advancement of research and teaching
35 conducted by an academic or research institution and matters
36 related to the mission of the institution and for no other purpose.

37 (C) For purposes of monitoring material assets owned by the
38 public agency.

39 (D) For environmental, public works, or land use management
40 or planning by the public agency.

~~(2) Notwithstanding paragraph (1), a public agency may retain beyond one year images, footage, or data obtained through the use of an unmanned aircraft system in both of the following circumstances:~~

~~(A) If a warrant authorized the collection of the images, footage, or data.~~

~~(B) If the images, footage, or data are evidence in any claim filed or any pending litigation or enforcement proceeding.~~

~~14353. Unless authorized by federal law, a person or entity, including a public agency subject to Section 14350 or a person or entity under contract to a public agency, for the purpose of that contract, shall not equip or arm an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property.~~

~~14354. All unmanned aircraft systems shall be operated so as to minimize the collection of images, footage, or data of persons, places, or things not specified with particularity in the warrant authorizing the use of an unmanned aircraft system, or, if no warrant was obtained, for purposes unrelated to the justification for the operation.~~

~~14355. (a) This title is not intended to conflict with or supersede federal law, including rules and regulations of the Federal Aviation Administration.~~

~~(b) A local legislative body may adopt more restrictive policies on the acquisition or use of unmanned aircraft systems.~~

~~14356. For the purposes of this title, the following definitions shall apply:~~

~~(a) "Criminal intelligence" means information compiled, analyzed, or disseminated in an effort to anticipate, prevent, monitor, or investigate criminal activity.~~

~~(b) "Law enforcement agency" means the Attorney General of the State of California, each district attorney, and each agency of the State of California authorized by statute to investigate or prosecute law violators.~~

~~(c) "Public agency" means and includes each state agency and each local agency.~~

~~(d) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and the~~

1 components that control the unmanned aircraft, that are required
2 for the pilot in command to operate safely and efficiently in the
3 national airspace system.

4 14357. Except as provided in this title, the surveillance
5 restrictions on electronic devices described in Chapter 1.5
6 (commencing with Section 630) of Title 15 of Part 1 shall apply
7 to the use or operation of an unmanned aircraft system by a public
8 agency.

9 SEC. 3. The Legislature finds and declares that Section 1 of
10 this act, which adds Section 6254.31 of the Government Code,
11 imposes a limitation on the public's right of access to the meetings
12 of public bodies or the writings of public officials and agencies
13 within the meaning of Section 3 of Article I of the California
14 Constitution. Pursuant to that constitutional provision, the
15 Legislature makes the following findings to demonstrate the interest
16 protected by this limitation and the need for protecting that interest:

17 In order to ensure the safety of persons involved in investigations
18 and to preserve the integrity of those investigations, it is necessary
19 that this act take effect.